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Via Facsimile (212-805-7906)

April 9, 2008

Hon. Denny Chin, U.S.D.J.  
U.S. District Court- Southern Dist. of New York  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street, Rm. 1020  
New York, NY 10007

Re: *FCS Advisors, Inc. v. Fair Finance Company, Inc.*  
File No. 07 CV 6546

Dear Judge Chin:

We are in receipt of the Court's order, dated March 31, 2008, setting the above referenced case for mediation. We are advised by the Mediation Services of the Court that mediation in this matter will likely take place no earlier than May 21, 2008. Presently, the deadline for fact discovery in this matter is May 9, 2007. In light of the mediation and the current status of discovery, the parties jointly request an extension of the time for completion of discovery in this matter.

The parties have already engaged in document exchange and are attempting to resolve their differences with respect to remaining document discovery issues. Further, we are also seeking extensive discovery from non-parties in this matter, including several non-parties located outside of this judicial district. Upon the completion of document discovery, the parties anticipate the necessity of 60 days to complete depositions. Accordingly, if mediation is unable to resolve this matter, the parties respectfully request an additional 120 days to complete fact discovery upon the completion of mediation.


Application GRANTED,  
but only to the  
extent that all  
discovery, fact and  
expert, shall be  
complete by  
9/19/08. FINAL.  
The PTC is adjourned  
to 9/19/08 at 10:30  
am. The mediation is  
not a basis for further  
extending these proceedings.  
SO ORDERED.  
WSD 4/10/08

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Pursuant to your Honor's individual practices, a proposed revised scheduling order is enclosed herewith. This request is made jointly by the parties and there have been no previous requests for such an extension in this matter.

Very truly yours,

  
Howard J. Smith

Enclosure

cc: Ira Glauber, Esq. (via facsimile 212-687-9539)  
Roger E. Barton, Esq.